



March 27, 2012

Mayor Michael J. McGinn
P.O. Box 94749
Seattle, WA 98124-4749

**RE: Department of Justice Review of the Seattle Police Department
and the Future of Policing in Seattle**

Dear Mayor McGinn,

We want to thank you for attempting a collaborative effort to develop a policy-level response to the US Department of Justice's (DOJ) findings and recommendations regarding the Seattle Police Department (SPD). We hope that DOJ's report will continue to serve as a catalyst for innovative thinking that will ultimately lead to proposals for specific action.

We believe DOJ's review has provided an opportunity to implement a comprehensive set of policy changes that can and will ensure that the people of Seattle are provided the most fair and effective policing possible. Our primary interest in initiating a collaboration with you and the City Attorney was to seize this opportunity and to develop a policy path that would (a) forge a new model of cooperation with DOJ, (b) swiftly address the specific findings of the investigation, and (c) define a broad set of reforms to improve policing in Seattle.

Unfortunately, we were not successful in advancing this approach. However, looking forward to the role that we will play in evaluating your recommended policy response to the DOJ findings, and potentially funding those elements requiring budget appropriations, we believe it will be helpful for us to highlight our key expectations.

Overarching Vision

As defined below, we feel strongly that now is the time to advance a new vision for SPD that can be broadly supported by the City's elected leadership, the people of Seattle, and the leadership and personnel of our Police Department.

City Hall, 600 Fourth Avenue, Floor 2, PO Box 34025, Seattle, Washington 98124-4025
(206) 684-8888 Fax: (206) 684-8587 TTY: (206) 233-0025
<http://www.cityofseattle.gov/council>

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We believe this new vision is very consistent with the desires and expectations we have heard from various community leaders and organizations, including the ACLU and MEDC, and the command staff of SPD.

The new vision is based on three fundamental principles:

1. **Policing in Seattle must be fair and effective.** The people of Seattle, in every neighborhood, must receive the best protection the City can provide and must always be treated fairly and respectfully by Seattle officers.
2. **Professional standards for officers must be clear and officers must be held accountable to these standards.** We must set clear expectations for SPD and individual officers, provide them the resources and training needed to fulfill these expectations, and then hold both the Department and officers accountable to these goals.
3. **Public trust and confidence in the police and their actions is essential.** The people of Seattle must know that they can rely on the police to protect them from harm and fairly enforce the law, and that they and our officers can rely on accountability systems when trust is clouded or broken. Further, the Police Department must establish a culture of transparency and continuous learning so all officers can benefit from both the exemplary performance and mistakes of their co-workers.

These principles represent the foundation of a comprehensive strategy to set SPD on a path towards meaningful and sustainable reform. These elements are inherently linked and none can stand without the others. Fairness *and* effectiveness in policing are both essential to building public trust. In turn, clear and transparent accountability is a tool for ensuring that we have a fair and effective police force that is constantly learning and evolving as it strives to serve the people with distinction.

Priorities for Achieving Fair and Effective Policing

The DOJ investigation concluded with a series of detailed findings regarding SPD's policies and practices governing use of force and more general observations about biased-policing. We believe the City must embrace the DOJ's basic recommendations regarding changes in SPD's policies and practices, even while recognizing that we do not necessarily concur with every specific proposal from DOJ.

We believe SPD must clarify reporting protocols, improve supervisory review of use of force incidents and provide the training needed to help officers avoid use of force. De-escalation and Crisis Intervention training are examples of the resources that need to be spread to every officer throughout the Department. We see no barriers to moving quickly to implement such reforms. Enhancements to the current system of line supervision and professional accountability, which we identify below, could complement such changes.

The City must also take immediate actions to address concerns about biased policing. Although DOJ's investigation did not include a specific finding of biased policing, this

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issue is not new to the City and must be addressed assertively and directly to help restore the public's trust in SPD. A thorough review of SPD's policies, practices and training regarding "Terry stops", social contacts and arrests is an essential first step. At the same time, a consistent approach to collecting data and tracking the perceived racial identity of those detained and questioned by officers, as recommended by DOJ, will help us all better understand the nature and magnitude of this issue.

These specific procedural steps should be reinforced by training protocols that fully embrace the intent of the City's Race and Social Justice Initiative. Building on SPD's ongoing work in this arena, such training would provide an opportunity to partner with representatives of Seattle's communities of color in developing and delivering new curricula that address racial bias and improve cultural sensitivity. This could represent an initial step towards developing a tangible partnership between these communities and SPD.

While addressing use of force and biased policing are necessary steps to building trust in SPD, we do not believe that they will be sufficient. Improving the effectiveness of the Police Department in preventing and controlling crime is also essential. We see it as no accident that many of those who most doubt the fairness and effectiveness of the police live in neighborhoods that are the most victimized by crime. A comprehensive response to the challenges now facing SPD must place a priority on providing effective police protection in all parts of the City, especially those areas where crime is geographically concentrated. The following steps will advance this effort:

- Hiring nationally known and respected police management and organizational consultants to assess SPD's command structure, reporting hierarchy, first-line supervision, deployment strategies, etc., and moving quickly to implement the recommendations provided by this assessment;
- Developing SPD's in-house capability for the sophisticated crime analysis and predictive modeling needed to support innovative policing strategies;
- Adopting a problem-oriented policing focus consistent with the proven strategies endorsed by the DOJ and others; and
- Continuing SPD's work with other major city police departments to establish a research consortium to support evidence-based policing and to bring more science-based decision-making and research to policing strategies and tactics in Seattle.

We urge you to embrace these action items and take the necessary steps to begin the process of reforming policing in Seattle as soon as possible.

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Priorities for Enhancing Accountability

In our view, accountability runs two ways. Improving the culture of accountability at SPD will require a balanced approach in which we (a) meet our obligations to set clear and realistic expectations for the Department and individual officers, while providing the resources and training sufficient to meet these expectations and (b) hold both the Department and individual officers accountable to these standards, including recognizing excellence.

The elected leadership of the City and the Department's command staff must take the lead in the first of these elements. For example, command staff must review existing policies regarding use of force and, as recommended by DOJ, establish clear guidelines for the use of individual weapons. Broader policy direction regarding expectations for crime control and prevention, and the basic strategies used to provide police protection must be established by the Mayor and Council. This letter represents an example of such direction, but the steps the City takes now in working with DOJ and in setting a longer-term agenda for improvements at SPD will continue to define this role.

To address the second element, SPD's internal system of monitoring officer performance and correcting inappropriate practices needs to be improved. When called for, this system must provide firm discipline. But just as critically, SPD must establish an approach to officer supervision that encourages constructive intervention at an early stage, including additional training and instruction. The existing structures within SPD - both the Early Intervention System and Office of Professional Accountability (OPA) - have strengths, but there are also obvious areas for improvement. Our earlier reference to establishing a culture of transparency and continuous learning is crucial here. It is our desire that much greater emphasis be placed on how all officers can learn from the successes and failures of their co-workers.

Consistent with these observations and the DOJ's recommendations, a successful proposal for improved accountability must, at a minimum:

- Enhance the role of line supervisors by providing them with better training and clear expectations that hold these supervisors accountable for encouraging, teaching and disciplining subordinates. .
- Improve the Early Intervention System so that it can function as a better management tool and be more effective in identifying performance shortfalls, including full access and integration with OPA's important work.
- Set clear protocols for when investigations will be conducted by the OPA versus line supervisors, and improve the quality of line investigations by providing better training and instituting better quality control up the chain of command.

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- Establish that the OPA Auditor will review the complaint intake process and oversee periodic system integrity checks as recommended by the DOJ report.
- Commit to using existing video data for supervisory review and training and develop a pilot program to utilize body cameras for video data collection.

These improvements will help build the internal capacity of SPD and OPA to provide accountability. In turn, this capacity for accountability will enhance public trust both by improving SPD's performance and by providing a clear process for the investigation and discipline of any improper conduct.

Still, we feel additional steps are needed to fully address community concerns about the accessibility and transparency of the OPA complaint process. Our goal should be a "user friendly" system that encourages individuals to come forward if they believe officers have conducted themselves inappropriately. The current intake process could be improved by providing a formal role for civilian liaisons to assist those who wish to file a complaint. To be truly effective in opening the complaint process, these positions would need to report to the OPA Auditor rather than SPD personnel. Further, OPA's system of findings could be revised to provide more clarity about the final disposition of individual cases. And an affirmative communication back to complainants regarding the outcome of any investigation and any specific consequences could also be helpful. Understandably, complainants want to know and understand how their individual cases have been resolved. These changes would help strengthen public confidence by establishing a system that is more "user friendly" at the front end and that provides some level of closure at the back end.

We also believe the Police Department should implement a protocol that requires OPA and an independent civilian auditor to immediately respond to the scene of officer-involved death and serious injury incidents, a practice that is common in major cities across the country. Enhancing review and observation of these incidents will contribute to the greater transparency and accountability we seek.

We are committed to strengthening the role of the OPA Auditor in providing civilian oversight throughout the OPA process. We believe providing the OPA Auditor with an appropriate level of staff support, perhaps through the City Auditor's office, would be helpful.

Priorities for Restoring and Strengthening Public Trust

We strongly believe that fair, effective and accountable policing relies upon a foundation of mutual trust and respect between SPD and all the communities it serves. The specific steps outlined above will do much to restore and strengthen public trust, but we also recommend affirmative steps to engage interested community stakeholders in helping us achieve this goal.

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Most immediately, the City should collaborate with community stakeholders in tracking implementation of the commitments related to the DOJ investigation and our broader reform efforts. We are dedicated to making changes in the Police Department, a commitment that will be strengthened by working directly with those who intend to hold us accountable for implementing these reforms. We should welcome the community as partners in ensuring that these changes are effective and lasting. Representatives from specific communities could also play an active role in elements of the proposed reforms. For example, as noted previously, such groups could assist in the development of training curriculum and the instruction of officers with respect to cultural sensitivity, race and social justice. These are opportunities that we must pursue and embrace.


The City must also renew SPD's overall commitment to working collaboratively with the communities it serves. We recognize that SPD has always sought such partnerships, but a comprehensive response to the DOJ report provides an opportunity for re-evaluating existing approaches and considering new models for community collaboration. We look forward to SPD working with key stakeholders to develop and implement such models.

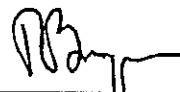
Conclusion

The task before us is clearly challenging. We look forward to policy proposals that will advance all of these elements to improve policing in Seattle. While we appreciate that the negotiations with the DOJ are sensitive, we feel strongly that they need not be adversarial. We continue to urge swift resolution with the DOJ so that we can proceed to implementing these and other related reforms. We welcome any questions you may have regarding our vision and priorities for the future of policing in Seattle.

Sincerely,


Sally J. Clark, President


Bruce Harrell, Chair
Public Safety, Civil Right & Technology


Tim Burgess, Chair
Government Performance and Finance Committee

Cc: Councilmember Sally Bagshaw
Councilmember Richard Conlin
Councilmember Jean Godden
Councilmember Nick Licata
Councilmember Mike O'Brien
Councilmember Tom Rasmussen
City Attorney Pete Holmes
Seattle Police Chief John Diaz